INTER-OFFICE COMMUNICATION FROM

THE OFFICE OF

CLERK OF THE BOARD OF COUNTY COMMISSIONERS

DATE: September 15, 1986

TO: Jan Winters, County Administrator
     Lisa Heasley, County Attorney's Office
     Richard Graddock, Asst. Co. Attorney
     David Bludworth, State Attorney
     Joy Shearer, Asst. Attorney General
     Captain Cook, Sheriff's Dept.-Civil
     Jerry Nolan, Sheriff's Office-Admin.
     John Lehner, PZ&B
     Bob Palchanis, Building Division
     Patty Young, 4th Dist. Ct. of Appeals
     Law Library
     County Library (2)
     Pinky Yount, PBC Municipal League, Inc.
               1708 N. Lakeside Drive, Lake Worth, FL 33460
     OTHER: Tony Smith, Asst Cnty Administrator
            Charter Advisory Committee thru Tony Smith

FROM: John W. Dame
      Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

     ORDINANCE NO.'s 86-26, 27, 28 & 29

     TITLE REFERENCE: FOUR ORDINANCES PROVIDING FOR AMENDMENT TO
     THE CHARTER OF PALM BEACH COUNTY AS FOLLOWS:

     ...providing for initiative petition percentage requirement;
        providing for referendum election dates...

     ...providing for non-interference clause...

     ...providing for Wellfield Protection Charter Amendment
        Ord...

     ...providing that the County Ordinances relating to School
        Impact Fees shall prevail over conflicting Municipal
        Ordinances...

                                   Continue

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Attached are copies of the above referenced Ordinances of Palm
Beach County. These Ordinances have been filed with Florida
Department of State and forwarded to Municipal Code Corporation
for codification. **The charter amendment shall become law on
January 1, 1987, if approved by a majority of those electors
voting on the matter.**

JWD:ph/lc

attachment

cc:* Commissioners, BCC
     Clerk of BCC
     Minutes

* If a copy of ord. is needed please advise Ms. Lorie Clinger,
Finance Department at 837-2959.

1   ORDINANCE NO. 86-26

2   AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS PROVIDING FOR

3   AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA,

4   PROVIDING FOR INITATIVE PETITION PERCENTAGE REQUIREMENT;

5   PROVIDING FOR REFERENDUM ELECTION DATES; PROVIDING FOR TITLE;

6   PROVIDING FOR ADOPTION OF AMENDMENT TO CHARTER; PROVIDING FOR

7   REFERENDUM; PROVIDING FOR BALLOT LANGUAGE; PROVIDING FOR FORM

8   OF NOTICE; PROVIDING FOR ADOPTION BY FOUR-FIFTHS VOTE OF BOARD

9   OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING

10   FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR EFFECTIVE DATE.

11   WHEREAS, Section 1(c), Article VIII of the Constitution of the

12   State of Florida provides that by general law a county government may be

13   established by charter, and

14   WHEREAS, the optional county charter law, Sections 125.80

15   through 125.88, Florida Statutes, (inclusive), provide that the Board of

16   County Commissioners may propose a charter by ordinance subject to

17   approval of the charter by referendum, and

18   WHEREAS, the voters of Palm Beach County did adopt a charter

19   for Palm Beach County at the general election on November 6, 1984

20   effective January 1, 1985, and

21   WHEREAS, the Board of County Commissioners through its staff

22   has proposed charter amendments it feels would provide better government

23   for Palm Beach County, and

24   WHEREAS, informational hearings on the proposed charter

25   amendments have been held throughout Palm Beach County to inform the

26   public about this charter amendment ordinance and to receive suggestions

27   to improve the charter, and

28   WHEREAS, passage of this ordinance will allow the residents of

29   Palm Beach County to adopt the proposed charter amendment or not at a

30   general election to be held November 4, 1986.

31   NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

32   COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1   <u>SECTION 1 - TITLE</u>:

2   This ordinance may be cited as the "Charter Amendment Initative

3 Ordinance".

4   SECTION 2 - ADOPTION OF CHARTER AMENDMENT:

5   Subject to the approval of the electorate as required by the

6 Constitution and Laws of Florida and Section 3 of this ordinance, the

7 amendment to the charter entitled "Charter Amendment Initative Ordinance"

8 shall be as follows:

9   <u>Section 6.3 Home Rule Charter Amendments</u>

10   Amendments to this Home Rule Charter may be proposed by the

11 Board of County Commissioners by an affirmative vote of at least four (4)

12 members, subject to approval by the voters of Palm Beach County in a

13 referendum. The Home Rule Charter Amendment may also be initiated by ~~10%~~

14 <u>7%</u> of the number of voters qualified to vote in the last general

15 election, and the initiated amendment shall be presented and verified in

16 the manner and time set forth in Article V § 5.1. The Home Rule Charter

17 Amendment so initiated shall be placed on the ballot ~~at-the-next~~

18 ~~general-election~~ <u>on the first Tuesday after the first Monday in</u>

19 <u>November of any year or in connection with a presidential preference</u>

20 <u>primary</u> occurring at least 30 days after verification. If approved by a

21 majority of those who voted, the Home Rule Charter Amendment shall become

22 effective on the date specified in the amendment or if not so specified,

23 on January 1st following the election.

24   SECTION 3 - REFERENDUM:

25   On November 4, 1986, a general election is to be held and in

26 accordance with the requirements of the Constitution and Laws of Florida,

27 the question on the ballot shall be as follows:

28   INITIATIVE REQUIREMENT; ELECTION DATES:

29   "Shall there be an amendment to the Palm Beach County Charter

30 amending the initative requirement from 10% of qualified voters to 7% and

31 placement on the ballot on the first Tuesday after the first Monday in

32 November of any year or in connection with a presidential preference

33 primary occuring at least 30 days after verification."

34   Yes_____

35   No_____

1 SECTION 4 - FORM OF NOTICE:

2 The form of notice of the election by which this charter

3 amendment shall be submitted to referendum shall contain the complete

4 text of this ordinance setting forth the entire proposed charter

5 amendments. This ordinance shall be advertised in its entirety as

6 provided by law.

7 SECTION 5 - ADOPTION BY FOUR-FIFTHS VOTE OF BOARD OF COUNTY

8 COMMISSIONERS:

9 Pursuant to Section 6.3 of the Palm Beach County Charter this

10 ordinance providing for amendment to the Palm Beach County Charter was

11 adopted by an affirmative vote of at least four (4) members of the Board

12 of County Commissioners of Palm Beach County.

13 SECTION 6 - SEVERABILITY:

14 If any section, paragraph, sentence, clause, phrase, or word of

15 this ordinance is for any reason held by the Court to be unconstitu-

16 tional, inoperative or void, such holding shall not affect the remainder

17 of this ordinance.

18 SECTION 7 - INCLUSION IN THE CHARTER:

19 The provisions of this charter amendment hereby approved shall

20 become and be made a part of the Charter of Palm Beach County, Florida.

21 The Articles or Sections of this charter amendment ordinance may be

22 renumbered or relettered to accomplish such, and the word "amendment" may

23 be changed to "section," "article," or any other appropriate word.
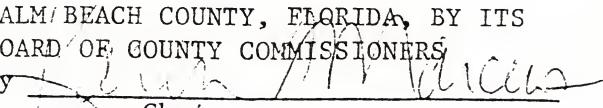
24 SECTION 8 - EFFECTIVE DATE:

25 The charter amendment shall become law on January 1, 1987, if

26 approved by a majority of those electors voting on the matter.

27 APPROVED AND ADOPTED by the Board of County Commissioners of

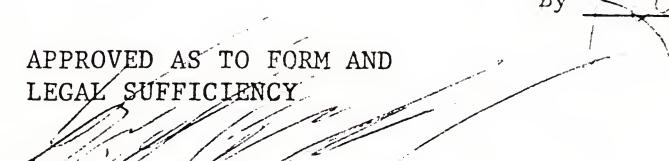28 Palm Beach County, Florida, on the 26th day of August , 1986.

29 PALM BEACH COUNTY, FLORIDA, BY ITS
30 BOARD OF COUNTY COMMISSIONERS
31 By
32 Chair
33 APPROVED AS TO FORM AND
34 LEGAL SUFFICIENCY

35
36 County Attorney

37 Acknowledgement by the Department of State of the State of
38 Florida, on this, the 5th day of Sept. , 1986.

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1   Acknowledgement from the Department of State
2 received on the <u>11th</u> day of <u> Sept </u>, 1986, at <u>1:23 P</u>.M., and filed in
3 the Office of the Clerk of the Board of County Commissioners of Palm
4 Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on   August 26, 1986   .
DATED at West Palm Beach, FL on 9/15/86
JOHN B. DUNKLE, Clerk
By: _____ D.C.
            Deputy Clerk

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